IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.1073 OF 2002

Noor Mohammed Kassam Fruitwala ..Petitioner

Vs.

Union of India & Ors. ..Respondents

Mr.A.S.Khandeparkar Advocate i/b. Akshaw Laws for Petitioner
None for Respondents

CORAM: F.I. REBELLO &
S.P. KUKDAY, JJ.
DATE: 16TH MARCH, 2005.

P.C.

. Proceedings under the provisions of the Foreign Exchange Regulations Act,1973 were initiated against the Petitioner. An order of adjudication came to be passed, in respect of which the Petitioner preferred an appeal. That appeal came to be dismissed and consequently the present Petition.

2. At the hearing of this Petition on behalf of the Petitioner the learned Counsel submits that firstly the statement was retracted and consequently could not have been relied upon. It is subsequently contended that even though the documents may have been recovered, nonthless there was no material to show that they were linked to any Foreign Exchange dealings.

3. We have heard learned Counsel. The statement of the Petitioner was recorded under Section 40 of F.E.R. Act, 1973. The documents were attached, once that be the position considering Section 72 of the Act the burden lay on the Petitioner to prove that the documents were not in his handwriting. That burden was not discharged. On the contrary in his statement recorded, though subsequently retracted the Petitioner had admitted that the documents were in his handwriting.

4. Two Authorities below have recorded a finding of fact that the document seized were in the matter of dealing in Foreign Exchange. It was clearly permissible for the Authorities, on the material available to come to that conclusion. It cannot be said that the said findings are perverse. Considering that we do not find that the order suffers from any error apparent on the face of record.

. In the light of that no interference is called for. The Petition is dismissed.

(F.I.REBELLO,J.)

(S.P. KUKDAY,J.)